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Attorneys for Defendant
 VNGR BEVERAGE, LLC d/b/a POPPI

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

KRISTIN COBBS, individually and on behalf
 of all other persons similarly situated,

Plaintiff,

v.

VNGR BEVERAGE, LLC d/b/a POPPI,

Defendant.

CAROL LESH and SARAH COLEMAN, on
 behalf of themselves, the general public, and
 those similarly situated,

Plaintiffs,

v.

VNGR BEVERAGE, LLC,

Defendant.

Case No. 4:24-cv-03229-HSG (lead)

No. 4:24-cv-03612-HSG

**JOINT REQUEST TO CONSOLIDATE CASES, SET
 PLAINTIFFS' TIME TO FILE A CONSOLIDATED
 AMENDED COMPLAINT, SET DEFENDANT'S
 TIME TO RESPOND TO THE CONSOLIDATED
 AMENDED COMPLAINT AND ASSOCIATED
 BRIEFING SCHEDULE, AND RESET THE INITIAL
 CASE MANAGEMENT CONFERENCE; ORDER (as
 modified)**

Dept: Courtroom 2

Judge: Judge Haywood S. Gilliam, Jr.

Pursuant to Civil Local Rules 16-2 and 7-12, Plaintiffs Kristin Cobbs, Carol Lesh, and Sarah Coleman (“Plaintiffs”) and Defendant VNGR Beverage, LLC d/b/a Poppi (“Defendant” or “Poppi,” together with “Plaintiffs,” the “Parties”) hereby jointly stipulate and agree as follows:

1. WHEREAS, on May 29, 2024, a putative class action was filed in this Court against Poppi alleging violations of consumer protection laws, captioned *Cobbs v. VNGR Beverage, LLC*, Case No. 4:24-cv-03229-HSG (the “*Cobbs* Action”);

2. WHEREAS, on June 4, 2024, the *Cobbs* Action was reassigned to the Honorable Haywood S. Gilliam, Jr. (ECF No. 8);

3. WHEREAS, on May 29, 2024, a substantially similar putative class action, involving the same questions of law and fact, was filed in the Northern District of California, captioned *Lesh, et al. v. VNGR Beverage, LLC*, Case No. 4:24-cv-03612-HSG (the “*Lesh* Action”);

4. WHEREAS, on June 17, 2024, plaintiffs in the *Lesh* Action filed an administrative motion to relate the *Lesh* Action to the *Cobbs* Action pursuant to Civil Local Rules 3-12(a) and 7-11 (ECF No. 16) because these actions involve identical questions of law and fact and the same conduct by the same Defendant;

5. WHEREAS, on June 25, 2024, the Court entered a Related Case Order relating the *Lesh* Action to the *Cobbs* Action.

6. WHEREAS, cases pending before the same judge may be consolidated under Federal Rule of Civil Procedure 42(a) if the actions involve a common question of law or fact;

7. WHEREAS, to advance the interests of judicial economy and efficiency, prevent duplication, and preserve the Court’s and Parties’ Resources, the Parties, therefore, respectfully submit that consolidation of the *Lesh* and *Cobbs* Actions is appropriate;

8. WHEREAS, the Parties agree that if the cases are consolidated, Plaintiffs will accordingly file a consolidated amended complaint;

9. WHEREAS, the Parties agree that Defendant need not answer, move, or otherwise respond to the currently filed complaints in the *Cobbs* Action and *Lesh* Action, and should instead respond to the consolidated amended complaint; and

10. WHEREAS, an initial case management conference is presently set in the *Cobbs*

action for September 3, 2024 at 2:00 p.m.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the Parties hereto, through their undersigned counsel, as follows:

1. Pursuant to Civil L.R. 3-12(f)(3), the case captioned *Lesh, et al. v. VNGR Beverage, LLC*, Case No. 4:24-cv-03612-HSG is hereby consolidated with the case captioned *Cobbs v. VNGR Beverage, LLC*, Case No. 4:24-cv-03229-HSG.

2. Pursuant to Federal Rule of Civil Procedure Rule 42(a), the above-captioned actions shall be consolidated for all purposes, including, without limitation, discovery, pretrial proceedings, and trial (the “Consolidated Action”).

3. Every pleading filed in the Consolidated Action shall be filed under Case No. 4:24-cv-03229-HSG and shall bear the following caption:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re VNGR BEVERAGE, LLC
LITIGATION

Case No. 4:24-cv-03229-HSG

CLASS ACTION

This Document Relates To:
Case No. 4:24-cv-03612-HSG

Judge: Hon. Haywood S. Gilliam, Jr.
Courtroom: 2

4. Plaintiffs shall file a consolidated amended complaint within 28 days of the Court’s acceptance of this Joint Stipulation.

5. Defendant need not answer, move, or otherwise respond to the currently pending complaints in the *Cobbs* or *Lesh* Actions.

6. Defendant shall respond to the to be filed consolidated amended complaint within 45 days of its filing.

7. If Defendant ultimately files a motion to dismiss the consolidated amended complaint, Plaintiffs will have 28 days to file an opposition to the motion to dismiss and Defendant will have 21 days to file a reply to the opposition.

8. The Court may reset the initial case management conference, currently scheduled for September 3, 2024 at 2:00 p.m., to a later date.

9. The Parties are not waiving any rights, claims, or defenses of any kind except as expressly stated herein, and the Parties reserve the right to seek further extensions of time as circumstances may warrant, subject to the Court's approval.

Dated: June 27, 2024

COOLEY LLP

/s/ Michelle C. Doolin

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1 Dated: June 27, 2024

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22 Dated: June 27, 2024

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ATTESTATION OF CONCURRENCE IN FILING

Pursuant to the United States District Court for the Northern District of California, Civil L.R. 5-1(i), I, Michelle C. Doolin, hereby attest that the concurrence to the filing of the foregoing document has been obtained from the signatories.

Dated: June 27, 2024

COOLEY LLP

/s/ Michelle C. Doolin

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. Pursuant to Civil L.R. 3-12(f)(3), the case captioned *Lesh, et al. v. VNGR Beverage, LLC*, Case No. 4:24-cv-03612-HSG is hereby consolidated into the present action, Case No. 4:24-cv-03229-HSG, which shall serve as the lead case. All future filing should be done in the lead case only and should be captioned “In re VNGR BEVERAGE, LLC LITIGATION.” The clerk is directed to administratively close the later-filed civil action, Case No. 24-cv-03612-HSG. Plaintiffs are ordered to file a consolidated amended complaint within 28 days of this order, and Defendant need not answer, move, or otherwise respond to the currently pending complaints in the *Cobbs* and *Lesh* actions. Defendant shall respond to the consolidated amended complaint within 45 days of its filing. In the event Defendant files a motion to dismiss, Plaintiffs shall have 28 days to file an Opposition and Defendant shall have 21 days to file a Reply. The initial case management conference scheduled for September 3, 2024 is hereby vacated and will be reset.

Dated: 6/27/2024

By: 
Judge Haywood S. Gilliam, Jr.